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PATENT

5858-00800 (ZEI 2002/01 US)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:  
Zeiler et al.

Serial No. 10/635,919

Filed: August 6, 2003

For: IMPLANT PLATE, METHOD AND  
ARRANGEMENT FOR THE SEMI OR  
TOTALLY AUTOMATIC PRODUCTION  
OF IMPLANT PLATES AND THE USE  
THEREOF IN SURGICAL AND/OR  
ORTHOPAEDIC PROCEDURES

Group Art Unit: 3732  
Examiner: Annette R. Reimers

Atty. Dkt. No. 5858-00800

I hereby certify that this correspondence is being transmitted via facsimile or deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on the date indicated below:

9/27/2005  
Date

Kevin L. Daffer

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

Applicant requests consideration of ☒ the references listed on the attached Form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. Pursuant to the revisions made to 37 CFR 1.98, copies are only provided for any foreign or non-patent art.

1. This Information Disclosure Statement is submitted:

- a. ☐ within 3 months of the filing date of a national application other than a continued prosecution application under § 1.53(d);  
☐ within 3 months of the date of entry of the national stage as set forth in § 1.491 in an International application;  
☐ before the mailing date of a first Office Action on the merits; or  
☐ before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- b. ☒ after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus: ☐ the certification of paragraph 2 below is provided, or ☒ a fee of \$180.00 is enclosed.
- c. ☐ after the mailing date of a final Office Action or a Notice of Allowance and prior to payment of the issue fee, and thus: the certification of paragraph 2 below is provided and a fee of \$180.00 is enclosed.

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2. It is hereby certified:

- ☐ that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or
- ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56 (c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following additional information (including any co-pending or abandoned U.S. applications, prior uses and/or sales, etc.) is requested:

4. For each non-English language reference listed on the attached Form PTO-1449:

- ☐ reference is made to an English language translation submitted herewith, and/or
- ☐ reference is made to a foreign patent office search report (in the English language) submitted herewith, and/or
- ☐ reference is made to an English language translation of a foreign patent office search report submitted herewith, and/or
- ☐ reference is made to the concise explanation contained in the specification of the present application at page(s) \_\_\_\_\_, and/or
- ☐ reference is made to the concise explanation set forth below:

5. ☐ Applicant also offers the following comments for the Examiner's consideration:

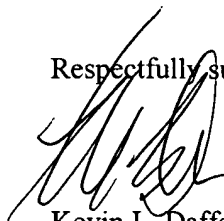
6. ☐ Also enclosed is a copy of a foreign search report citing these references.

7. ☐ The listed documents were brought to the attention of the Applicant(s) after payment of the issue fee in the captioned case. The documents were cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. Applicant(s) request this Information Disclosure Statement and attached Form PTO-1449 be placed in the file of the captioned application.

8. ☐ Applicant(s) requests that the Information Disclosure Statement and attached Form PTO-1449 and references, which are being filed before the grant of the patent and pursuant to 37 C.F.R. § 1.97(i), be placed in the file of the captioned application.

The Commissioner is authorized to charge said fees to Daffer McDaniel, LLP deposit account number 50-3268/5858-00800.

Respectfully submitted,



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Date: September 27, 2005

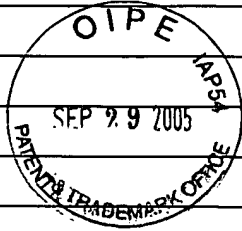
**Form PTO-1449** (modified)  
 List of Patents and Publications  
 For Applicant's Information  
 Disclosure Statement  
 (Use several sheets if necessary)

ATTY. DKT. NO. 5858-00800  
 APPLICANT: Zeiler et al.  
 FILING DATE: August 6, 2003

SERIAL NO. 10/635,919  
 GROUP: 3732

### U.S. PATENT DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE



### U.S. PATENT APPLICATION DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE

### FOREIGN PATENT DOCUMENTS

EXAM. INITIALS	REF. DES.	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES/NO
	A1	197 50 493	6/1999	DE			

### OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

	A2	Stratec and Mathys, presentation regarding PHILOS-Proximal Humerus Internal Locked System, Southamton meeting April 2000, 30 pages.					

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the patent owner.

Information Disclosure Statement--PTO 1449 (modified)